

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

JAMES SHAY HENNESSEE	)	
	)	
v.	)	NO. 4:13-cv-70
	)	<i>Mattice/Lee</i>
LINCOLN COUNTY SHERIFF'S DEP'T	)	

**JUDGMENT ORDER**

In accordance with the memorandum this day entered, this prisoner's *pro se* civil rights suit under 42 U.S.C. § 1983 is **DISMISSED without prejudice** under Rule 41(a) of the Federal Rules of Civil Procedure. In the unlikely event that plaintiff would file a notice of appeal, he is **DENIED** leave to appeal *in forma pauperis* because, given the reason for this dismissal, any appeal from this decision would not be taken in good faith and would be totally frivolous. See 28 U.S.C. § 1915(a)(3).

**SO ORDERED.**

**ENTER:**

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT  
s/ Debra C. Poplin  
CLERK OF COURT